

CORRESPONDENCE

RELATING TO THE

PROHIBITION OF BURIALS IN THE BACK BAY SANDS;

AND TO

DR. LEITH'S MORTUARY REPORT

FOR 1854.



Bombay:

PRINTED FOR GOVERNMENT

AT THE

BOMBAY EDUCATION SOCIETY'S PRESS.

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BOMBAY BURIAL-GROUNDS.

No. 134 OF 1852.

TO J. G. LUMSDEN, Esq.,

Secretary to Government.

SIR,—I have the honour to acknowledge the receipt of your letter No. 1974, dated the 26th ultimo, in reply to mine of the 5th idem, submitting, for the sanction of Government, a plan, and an estimate amounting to Rs. 5,146, of the expense of a new burial-ground on the Flats for the interment of cattle and low caste Hindoos, in the 3rd paragraph of which you state that if Mr. Conybeare is now able, with reference to paragraph 3 of his letter No. 119, of 24th April 1848, to guarantee the public from the ill effects anticipated in 1848, the Right Honorable the Governor in Council will not object to sanction the present estimate ; otherwise he must decline to do so.

2. In reply, I am directed by the Board of Conservancy to state, that on the 4th November 1845 a letter was addressed to the Board of Conservancy by the then Acting Senior Magistrate of Police, enclosing copy of a correspondence between himself and the Government, on the subject of the nuisance occasioned by the burial of low caste Hindoos, cattle, &c. on the beach in Back Bay, and suggesting to the Board to take such measures as might appear calculated to remove the same. This letter, and the correspondence alluded to, were referred to Captain Cruickshank, then Superintendent of Repairs, for his report.

3. On the 26th November 1845, a letter was received by the Board from Mr. Secretary Escombe, enclosing, *inter alia*, extract

paragraph 8 of a Presentment of the said nuisance made by the Grand Jury in the previous month of September, requesting that the Board would take into their consideration what measures should be adopted for its removal. This circumstance was also referred to Captain Cruickshank, and that officer reported that he had had the ground examined in what is designated on the lithographed maps of Bombay as Salt Morass, and that a depth of full four feet was found to exist of soft soil, which he considered sufficient; and this report having been considered by the Board, the Board directed a reference to Captain Cruickshank, as to whether the embankment on the east of the Worley Channel could not be made available as a road to a cemetery to be constructed near the spot described in his letter, viz. to the north of the Racecourse, and on the west of the Grass Market, the soil deposited near the Love Grove being used to raise the ground sufficiently to allow the graves being made of a proper depth. In his reply, dated the 5th January 1846, Captain Cruickshank stated that such embankment could be made available at a little expense as a road to the cemetery, for foot passengers or bamboo Coolees, and requested to be informed what the Board considered a sufficient enclosure for a cemetery; and the Board, by a resolution dated the 6th January 1846, communicated to him that a space of 150 yards would be sufficient.

4. On the 16th February 1846, No. 58, Captain Crawford, with reference to his predecessor Captain Cruickshank's letter last referred to, forwarded a plan and estimate for a burying-ground to be constructed on the Flats, and stated that he had planned it in a square of 150 yards, and that the amount of the estimate was Rs. 14,000. He also stated, that finding the amount so great, he was induced to attempt to modify that plan, in order to reduce the expense in some measure; and proposed, instead of filling up the whole of the interior space to a depth of four feet, to fill up half the area, leaving the other half the natural surface. He further stated that the amount of the estimate for this plan was Rs. 8,305.

5. On the 17th March 1846, the Board addressed Mr. Secretary Escombe in reply to his letter No. 3652 of 1845, annexing a copy of the above letter, as well as the proposed plan and estimate, and

strongly urged upon Government the necessity of adopting the above or some similar project for abating the nuisance.

6. On the 12th August 1847, a letter was received from Mr. Secretary Escombe, with enclosures from the Collector of Land Revenue, on the subject of enclosing the Hindoo burial and burying-grounds at Sonapoor with a wall, and requesting the opinion of the Board thereon ; and the Board, in reply, wrote to say that they saw no objection to the proposed measure.

7. On the 13th August 1847, the Board received a letter from Mr. Secretary Escombe, enclosing an extract paragraph 1 of a Report by the Superintending Surgeon at the Presidency, noticing the injurious effects arising from the deposits in Back Bay. This was referred to the Acting Superintendent of Repairs, for his report, on the 26th of August, and Captain Crawford's report upon the subject was communicated to Government on the 13th October ; and the Board, in their letter to Government, referred to their letter of the 13th of March 1846, and urged upon Government the adoption, with as little delay as possible, of the arrangements which were recommended in that letter.

8. On the 13th November 1847, Mr. Secretary Escombe informed the Board that the Collector of Land Revenue had been directed to place himself in communication with the Board, with the view of ascertaining the locality on the Flats alluded to in the 5th paragraph of my letter of the 13th March 1846 (which stated that the Board were of opinion that a cemetery for cattle might be conveniently provided on the Flats to the east of the Main Drain, and beyond the Racecourse), and report whether any objection existed to its being made over for the purpose therein indicated.

9. With reference to the above letter, you again addressed the Board on the 13th January 1848, and forwarded copy of a letter from the Collector of Land Revenue, and of paragraph 1 of his reply thereto, of that day's date, and requested that the Board would have the goodness to favour Government with their opinion on the points adverted to in the 4th and 5th paragraphs of Mr. Malet's letter, particularly in regard to the proposition of dispensing with the enclosure around the ground, &c. ; and in this letter Captain

Cruickshank reported that the ground to be appropriated for the burial of animals would doubtless eventually become valuable; that with respect to the proposition for doing away with the enclosure wall, the plan might be tried, but that he was apprehensive the carcases would be liable to be disinterred by the great number of jackals and pariah dogs which would resort to the spot, and thus give rise to a serious nuisance, &c. On the 12th February 1848, No. 34, the Board forwarded to Government, with reference to your letter No. 80, of the 13th of the preceding month, a copy of the above letter, and stated, with reference to the first six paragraphs thereof, that the Board concurred in the opinion therein expressed, with the exception that the Board considered that the space to be appropriated to the burial of the lower castes of Natives only would require to be surrounded by a wall, and that with regard to the ground to be used for the burial of cattle, the proposed embankment would suffice.

10. On the 24th March 1848, No. 923, you acknowledged the receipt of my letter No. 34, of the 12th February 1848, stating that Government would be prepared to sanction the expense of carrying the proposed measure into execution, provided Government was fully assured that the nuisance complained of would be effectually abated, and not merely be transferred from one locality to another. You at the same time requested the Board to instruct the Superintendent of Repairs to sink a few pits for the purpose of ascertaining, as suggested by Captain Cruickshank, the nature of the ground proposed to be made over to the Board. A copy of this letter was forwarded to the Superintendent of Repairs, who, on the 1st April 1848, stated that he could not guarantee the inhabitants of the neighbouring houses against nuisance, as he conceived a certain degree of nuisance to be under any circumstances inevitable; that he had not been long enough in charge of the office to hazard an opinion as to the relative disadvantage of a considerable nuisance in Back Bay, or a slight one in the Byculla Flats; that he thought both sites objectionable, as being to the windward of the island, and on ground frequently overflowed; and submitted whether under those circumstances it would not be advisable to defer for the present the sinking of the pits alluded to in letter No. 67 of 1848.

11. On the 24th April 1848, No. 119, Mr. Conybeare reported to the Board, that in accordance with the instructions of the Board, eight pits, averaging three feet square, and seven feet deep, had been sunk in the locality in the Flats proposed to be applied to the uses of a public cemetery for cattle and low caste Hindoos, and that the site in question appeared exceedingly well adapted, the soil being light, and no rock having been reached to the depth of seven feet, &c. He also forwarded an estimate of the cost of carrying out Captain Cruickshank's plan, no modification of which occurred to him.

12. On the 8th May 1848, No. 89, the Board submitted a copy of the above letter to Government, with reference to your letter No. 923, of the 24th March 1848, and the estimate of the probable expense of forming a burial-ground on the Flats for the burial of cattle and low caste Hindoos.

13. In your letter No. 3387, of the 26th September 1848, you state, with reference to the estimate, amounting to Rs. 8,305, that on a consideration of Mr. Conybeare's letter, His Lordship in Council did not deem the experiment so certainly calculated to secure the desired object as would justify so large an outlay.

14. On the 26th February 1851, the Board, with reference to Mr. Conybeare's letter No. 145, requested him to consider and report as early as possible on the practicability of providing new burial-grounds on the Flats for the burial of low caste Hindoos and cattle, at a less expense than was before estimated, and on the 15th April 1851, No. 104, Mr. Conybeare enclosed a plan, with the estimate reduced from its former amount of Rs. 8,305, to Rs. 5,146, and stated that the reduction was due to the substitution of a prickly-pear hedge (similar to the intended fencing of the railway) for the masonry enclosure wall formerly proposed, and which he thought might with advantage be dispensed with, &c.

15. In conclusion, and with reference to the last paragraph of your letter under reply, I am directed by the Board of Conservancy to represent, that though the Board cannot guarantee the total absence of any ill effects from having burial-grounds on the Flats for the interment of low caste Hindoos and cattle, yet the site of the

proposed new burial-grounds is so far removed from the inhabited portion of the town that it is reasonable to suppose that their being buried there would not be so injurious to the public health as the present practice of burying them in the beach of Back Bay, near to, and to the windward of, the most densely populated portion of the island.

16. The Board are of opinion there can be no doubt the interment of corpses on the Flats instead of Back Bay would remedy an existing nuisance, which is most offensive in every way, and highly detrimental to health ; while it is doubtful, to say the least, whether any ill effects would result from the proposed cemeteries on the Flats ; and on these grounds the Board hope the Right Honorable the Governor in Council will reconsider the matter, and accord sanction to the proposed measure.

I have the honour to be, &c.

(Signed) G. HANCOCK,
Clerk to the Board of Conservancy.

Bombay, Town Hall, 15th June 1852.

No. 2540 OF 1852.

GENERAL DEPARTMENT.

To G. HANCOCK, Esq.,

Clerk to the Board of Conservancy.

SIR,—I am directed to acknowledge the receipt of your letter No. 134, dated 15th ultimo, regarding the proposed cemetery on the Flats for the interment of low caste Hindoos and cattle.

2. The Right Honorable the Governor in Council desires me to observe that it was scarcely necessary for the Board to take the trouble of submitting for the information of Government a summary of the former proceedings on this subject, since the correspondence itself has already been before them.

3. Government could have had no other object in opposing the desire of the Board to expend the public funds in the manner proposed than the wish to prevent a nuisance which may be more felt hereafter by the public than that proceeding from the burial-ground in Back Bay.

4. Mr. Conybeare, in the 3rd paragraph of his letter of the 24th April 1848, remarks: "It therefore appears to me, although I would not give any guarantee to such effect, that with proper precautions, no nuisance to the neighbourhood need arise from the proposed cemetery."

5. If Government, upon a consideration of that letter, and of the causes which operate, or are likely to operate, in mitigating or increasing the amount of nuisance in either locality, had been satisfied of the justice of the remarks in the 15th paragraph of your letter, they would not have opposed the proposal.

6. As the Board, however, now state that they have no doubt that the interment of corpses on the Flats would remedy an existing nuisance, the Right Honorable the Governor in Council is pleased to sanction the construction of the new burial-ground, at the estimated cost of Rs. 5,146, on the clear understanding that should the nuisance anticipated by Government be experienced, the Board will be required to remove it.

I have the honour to be, &c.

(Signed) J. G. LUMSDEN,
Secretary to Government.

Bombay Castle, 9th July 1852.

No. 1335 OF 1855.

TO THE SECRETARY TO GOVERNMENT,
General Department.

Bombay, Medical Board Office, 5th June 1855.

SIR,—I have the honour, by direction of the Medical Board, to transmit, for submission to the Right Honorable the Governor in

Council, the accompanying Mortuary Returns for the year 1854,* the result of the indefatigable and disinterested exertions of Dr. Leith, and to convey the recommendation of the Board that, as in former years, the Report may be printed with as little delay as possible.

2. In forwarding this Report, the Board would solicit the attention of Government to the 8th, 9th, 10th, 11th, the latter part of the 16th, and to the 17th paragraphs thereof, and suggest that, if possible, the serious evils therein adverted to may be remedied.

I have the honour to be, &c.

(Signed) W. C. COLES, Assistant Surgeon,
Acting Secretary Medical Board.

Resolution of Government, dated 7th June, on the foregoing Letter No. 1335, dated 5th June 1855, from the Medical Board, transmitting Mortuary Returns for 1854, prepared by Dr. Leith.

Resolved, that before taking into general consideration this letter and its accompaniment, the Secretary General Department be directed to address a letter to the Acting Clerk of the Peace, to the following effect :—

No. 1925 OF 1855.

GENERAL DEPARTMENT.

To the ACTING CLERK OF THE PEACE.

SIR,—I am directed to forward, for the consideration of Her Majesty's Justices, the accompanying extract paragraphs 8 to 11 of a Mortuary Report of the Island of Bombay for 1854, received yesterday by Government from the Medical Board.

* These Returns have since been separately printed.

This very interesting Report, for which Government and the community are indebted to Dr. Leith, will hereafter be sent entire to Her Majesty's Justices, for such measures as they may be able to adopt or suggest with regard to the several points noticed in it ; but Government consider that the horrible and dangerous condition of the burial-grounds described in it is an evil of such magnitude that to defer for a single day their efforts for its diminution, even though its total removal may be found impracticable for the present, would be inexcusable. They therefore deem it their duty to at once bring it to the notice of the Worshipful Bench, with an earnest request that they will hasten, as far as they can, the measures already under their consideration for the permanent improvement of the system of burial in the island, and that they will in the mean time point out any possible immediate means of saving the inhabitants and frequenters of the Native Town, and the neighbourhood of Grant Road, from the poisonous effects which must be expected from a state of things such as that described in the accompanying extract.

I have the honour to be, &c.

(Signed) W. HART,
Secretary to Government.

Bombay Castle, 7th June 1855.

*Extract Paragraphs 8 to 11 from the Mortuary Report of the
Island of Bombay for 1854.*

8. The disposal of the dead ought to have more attention than has yet been given to it, for, as it is now practised, there is much in it that is very objectionable ; and in considering this matter, it has to be borne in mind that the clandestine domiciliary interment of infants, which was first noticed in the Report for 1850, still remains unchecked, affording facilities for the undetected commission of infanticide, and contributing to the pollution of the air of dwelling-houses, through the decomposition of the bodies interred in or near them.

9. The state of several of the burial-grounds, both Moosulman and Hindoo, is such as to require immediate amendment, as the

foul gases that taint the air in their neighbourhood are detrimental to health. The burial-ground on the north side of Grant Road may be mentioned as one of these. There is a burial-ground, however, which is so horrible and shameful, that it seems only to require to be brought to the notice of Government to have it suppressed,—it is that for Hindoos at Sonapoor. The exact size of the ground is not, I think, clearly defined: the Policemen on the spot said there was an order that no grave should be dug below high-water mark; but the tides vary in height, and there was nothing to indicate the limit towards the sea. I had the breadth of the ground measured from the outside of the outmost grave, where it was still wet from the retiring tide, to the wall of the Moosulman cemetery, and also its length north and south, as pointed out by the men on duty; the area was found to be 10,581 superficial feet. Knowing that during the last seven months 2,711 bodies had been interred there, it may be concluded that in the course of a year the number will be nearly 4,649; and reckoning the due proportion of these as children, it is calculated that were the year's number of bodies laid at the same time, shoulder close to shoulder, without intervening space, they would not only completely cover the whole area, but they would have to be laid in two tiers, the second equally closely packed as the first, and there would still be more to form part of a third tier of corpses.

10. The rapidity with which the bodies decompose is marvellous; and yet the short time that is actually required for the process is liable to be cut still shorter at Sonapoor, for the men in charge of the place said that eight days was the time under which it was prohibited to re-open a grave for a new burial. He pointed out a grave just then dug, from which the remains of one who had been buried a month before were being taken up, to make room for another occupant. Were decomposition in this sandy soil not so rapid, it would of course be impossible that so many dead could be deposited there; yet, as in putrefaction the soft solids of the body are changed into poisonous gases, the greater rapidity of the process does but the more intensely pollute the air, by giving a larger quantity of those gases in a given time. The moral effect of such

a scene on those who resort to this place to deposit their dead must be bad, and on those also who become habituated to its horrors, which are sometimes even aggravated in the monsoon, by the surf washing the newly interred from their graves.

11. Along the shore of Back Bay there are several other graveyards, and also a depository for dead cattle, the stench from which also is most disgusting, and overpoweringly offensive; and all these are to the windward of the Native Town, which has its sea-breeze, that would otherwise be health-giving, thus poisoned. It is likely that the unwholesome emanations are one of the causes why Girgaum has what is thought to be a proportionately high mortality when cholera is epidemic.

No. 1952 OF 1855.

GENERAL DEPARTMENT.

To the Acting CLERK TO THE BOARD OF CONSERVANCY.

SIR,—I am directed by the Right Honorable the Governor in Council to forward a copy of my letter to the Acting Clerk of the Peace, No. 1925, dated the 7th June 1855, with accompaniment, and to request that the Board of Conservancy will use their best endeavours towards carrying out the desire of Government, that any possible steps may be at once taken to remove or lessen the frightful evil to which paragraphs 8 to 11 of Dr. Leith's Mortuary Report relate.

2. I am instructed to add, that Government have no doubt that the Board of Conservancy will meet with any assistance which the Police Authorities, or any officers under Government, can afford, towards remedying the matters to which my letter No. 1925 of 1855 relates.

I have the honour to be, &c.

(Signed) W. HART,
Secretary to Government.

Bombay Castle, 9th June 1855.

Futher Resolution of Government, dated 13th June, on the foregoing Letter from the Acting Secretary to the Medical Board, No. 1335, dated the 5th June 1855.

Government request that the Medical Board will thank Dr. Leith for the valuable information furnished by this Report and its Appendices, which His Lordship in Council desires may be printed on account of Government.

2. There is a good deal of difficulty connected with the subject of obtaining a correct Census. Government consider that this subject should be in the first place referred for the report and opinion of a Committee, consisting of the Senior Magistrate, and Superintendent of Police (as *ex officio* members), with Mr. C. J. Erskine, of the Civil Service, and Surgeon Leith.

3. The subject of the disgusting and dangerous state of the burying-places referred to by Dr. Leith has been brought to the notice of the Board of Conservancy, and Bench of Justices, who have long had under consideration a plan for the permanent improvement of the burial system in Bombay. It is to be hoped that some means will soon be found for relieving the Municipality of this city from the physical danger as well as moral disgrace which the present state of the disposal of their dead entails upon them.

4. The subject of paragraph 7 of Dr. Leith's Report will call for the notice of the Board of Conservancy, to whom a plan has lately been suggested by Government for checking the reports made regarding the state of the drains, &c. by the Superintendent of Repairs and his subordinates.

5. The attention of the Police Authorities will be requested to the suggestion at the close of paragraph 16 of the Report.

6. The first part of its 17th paragraph contains matter for the consideration of the Board of Conservancy, and the Police Authorities, with reference to the Rules and Ordinances providing for such cases. With regard to the latter portion of the same paragraph, Government anticipate that the projected water supply will be

principally furnished by fountains and stand-pipes, which will be entirely free from the dangers of deep wells or cisterns.

7. When the printed copies of the Report and Appendices are ready, a sufficient number of them should be sent to the worshipful Bench of Justices, and the Board of Conservancy, for their consideration ; and meanwhile a copy of the *Report* should be sent to each body, in order that they may take measures with regard to the more urgent matters mentioned above.

(True copy)

(Signed) W. HART,
Secretary to Government.

No. 2025 OF 1855.

TO C. J. ERSKINE, Esq.

A. LEITH, Esq.

THE SENIOR MAGISTRATE OF POLICE.

THE SUPERINTENDENT OF POLICE.

GENTLEMEN,—I am directed by the Right Honorable the Governor in Council to transmit to you the extracts specified in the margin, and to request that you will be so good as to form yourselves into a Committee for the purpose of taking into consideration, and reporting to Government on, the best means of obtaining a correct Census of the population of the Town and Islands of Bombay and Colaba.

Extract paragraph 5 from
Dr. Leith's Seventh Mortu-
ary Report.

Extract paragraph 2 of
Government Resolution of
the 13th June.

I have the honour to be, &c.

(Signed) W. HART,
Secretary to Government.

Bombay Castle, 19th June 1855.

No. 2026 OF 1855.

To the SENIOR MAGISTRATE OF POLICE.

SIR,—I am directed by the Right Honorable the Governor in Council to transmit for your information and guidance the extracts specified below :—

Paragraph 16, and first clause of paragraph 17, of Dr. Leith's Mortuary Report, dated the 28th May 1855.

Paragraph 5, and first clause of paragraph 6, of a Resolution by Government, dated the 13th June 1855.

I have the honour to be, &c.

(Signed) W. HART,
Secretary to Government.

Bombay Castle, 19th June 1855.

No. 269 OF 1855.

To W. HART, Esq.,
Secretary to Government.

SIR,—I have the honour to acknowledge the receipt of your letter No. 1952, dated the 9th June 1855, forwarding copy of your letter to the Clerk of the Peace, No. 1925, of the same date, with its accompaniment, and requesting the Board of Conservancy to use their best endeavours towards carrying out the desire of Government that any possible steps may be at once taken to remove or lessen the evil arising from the condition of the burial-grounds described in paragraphs 8 to 11 of Dr. Leith's Mortuary Report for 1854.

2. In mentioning, what might possibly be overlooked, that burial-grounds are not in any way under the control of the Board of Conservancy, and that the Board are not vested with any authority to interfere with the arrangements which the inhabitants may make

for the disposal of their dead, I am desired at the same time to assure the Right Honorable the Governor in Council that no effort shall be wanting on the part of the Board to forward the wishes of Government, which, indeed, are identical with their own, as regards the abatement of the evil referred to.

3. What the measures are that are alluded to in your letter No. 1925, to the Clerk of the Peace, as being already under the consideration of the Worshipful Bench of Justices, for the permanent improvement of the system of burial on the island, the Board are not aware ; but the Board, I am desired to state, were led some time ago to enter upon the consideration of the subject, with a view to the prevention of nuisances arising from burial-grounds in the vicinity of thickly inhabited parts of the island, and the result is communicated in my letter No. 268, of this date,* submitting a Draft Act for the regulation of burial-grounds and other places for the disposal of the dead within the islands of Bombay and Colaba.

4. It is scarcely necessary to add that, in the absence of any law admitting of authoritative interference on their part, the Board are unable to guard against injury to public health arising from want of due attention to the depth of graves, and other matters connected with the interment of bodies, and equally powerless to prevent burials in particular localities that might be deemed objectionable. The Board regret exceedingly that, until the passing of an Act to the effect of the project of law above alluded to, it would seem to be difficult, if not impracticable, to relieve the community from the evil described by Dr. Leith, arising from the condition of the burial-grounds.

5. The only exception, perhaps, is in the case of the burial of Hindoos of the lower castes, and the burial of cattle in Back Bay. This is not a cemetery ; and as it would seem to be resorted to only on sufferance, it is, the Board presume, in the power of Government, to whom the beach belongs, to prevent any part of it being used for such a purpose. This is the burial-ground which

* Separately disposed of by Government.

Dr. Leith justly describes in the 9th paragraph as “horrible and shameful.”*

6. The nuisance occasioned by the burials in the sands in Back Bay long ago attracted the notice of the Board of Conservancy, and all that they could do in the matter (namely propose to provide a burial-ground for low caste Hindoos, and a place for the burial of cattle in some other quarter) the Board, I am desired to observe, did not omit to do, as is evidenced by the Board’s letter to Government No. 173, dated 5th April 1852, and also by their letter No. 134, dated 15th June, detailing their proceedings since 1845, up to that date, with the view of abating the nuisance in question.

7. It will be seen from Mr. Secretary Lumsden’s letter No. 1974, dated the 26th May 1852, to the Clerk to the Board, that when the Board proposed, in the year 1848, to provide, at an expense of Rs. 8,305, a new burial-ground on the Flats, in substitution of that in Back Bay, Government refused to sanction the measure, because “doubts were entertained whether the result of the measure would not prove to be merely the transfer to another part of the island of the nuisance complained of in Back Bay.”

8. Further, it will be seen from Mr. Secretary Lumsden’s letter to the Board No. 2540, of the 9th July 1852, that only after a lengthened correspondence did the Board obtain the sanction of Government to the measure; and even then (after the estimate had been reduced to Rs. 5,146, in consequence of Government considering the amount of the first estimate too large an expenditure for the proposed purpose) the sanction of Government was only accorded “on the clear understanding that should the nuisance anticipated by Government” (from the new burial-ground) “be experienced, the Board will be required to remove it.”

9. This condition obliged the Board to call upon the Superintendent of Repairs to report whether a site could be found for a burial-ground for low caste Hindoos, and a place for the burial of cattle, less open to objection than that proposed on the Flats; he being requested at the same time, in seeking for another site, to bear

* The Police apparently exercise some control over it: Dr. Leith mentions a Policeman being there, and what (he said) were his orders.

in mind that the poorer classes of Hindoos should not be required to carry their dead a greater distance for burial than might be absolutely necessary.

10. He in reply, on the 1st September, referred the Board to paragraphs 188 to 200 of Appendix H to his Sanitary Report on the State and Requirements of Bombay (since printed as a Selection from Government Records, No. XI. New Series), wherein he explained his reasons for considering that "under proper regulation a burial-ground on the Flats would be unobjectionable." The Board then intimated to the Superintendent, on the 15th October 1852, that they approved of his suggestions, contained in paragraphs 192 and 193 of that Report, and stated that it was highly desirable that the graves for cattle should, if possible, be separated by a wide interval from the graves for human bodies.

11. The new burial-grounds on the Flats were then commenced, and were completed in the following year.

12. On the 31st March 1854, No. 85, the Board of Conservancy intimated to Government that it had been brought to their notice that the beach of Back Bay was still resorted to for the burial of the dead of low caste Hindoos, also of the carcasses of cattle, notwithstanding that, with the concurrence of Government, they had constructed cemeteries on the Flats, at a cost to the public of Rs. 5,146, expressly for the purpose of obviating the nuisance referred to; and the Board requested that Government would give directions to the Police authorities to prevent a continuance of the objectionable practice above mentioned in Back Bay.

13. To the above Government replied, on the 15th May 1854, No. 1738, forwarding copy of a letter from the Senior Magistrate of Police, in which he represented that the burial-places, and the roadway to them, were not sufficiently raised.

14. To meet these objections, the Superintendent of Repairs submitted, on the 1st November 1854, a plan of certain additions and alterations, with an estimate amounting to Rs. 3,863, and these being laid before Government by the Board, Government, on the 20th December 1854, sanctioned this further expenditure, of which the Superintendent was immediately advised.

15. These additions and alterations to the burial-places on the Flats would have been effected before the close of last season, had the Board not been compelled to postpone the execution of this, as well as of many other equally desirable and urgent works, as, on the Supreme Court deciding that neither Act XI. of 1845 nor any other enactment contained any provision for enforcing payment of the Shop and Stall Tax by distress, which necessarily put a stop to any further collection of this tax, there was a loss of income which, with other circumstances beyond the control of the Board, occasioned a deficiency in the Municipal Fund, which put it out of their power to proceed with any new work.

16. In referring to the Report made by the Board on this subject to the Worshipful Bench, by whom it was forwarded to Government under date the 2nd December 1854, the Board beg to observe that, were it not for the defective legislation above alluded to,—for which, as well as for its immediate consequences, the Board are in no way responsible,—the desired arrangement connected with the new cemeteries which the Board proposed and provided long ago, as a remedy for the evil in Back Bay described by Dr. Leith, would ere now have been completed.

17. I am desired, in conclusion, to state that after the rains, until when no works on the Flats can be carried on, and by which time the Board expect to have at command the necessary funds, the additional work to the cemeteries on the Flats (sanctioned by Government on the 13th January 1855) will be undertaken, and completed as quickly as possible.

I have the honour to be, &c.

(Signed) GEORGE HANCOCK,

Acting Clerk to the Board of Conservancy.

Bombay, Town Hall, 25th August 1855.

Resolution of Government, dated 3rd September, on the foregoing Letter from the Acting Clerk to the Board of Conservancy, No. 269, dated 25th August 1855.

The reasons assigned by Mr. Corfield, in his report dated the

18th April 1854, for the continued resort to the beach at Back Bay for the burial of the Hindoo dead, and the carcasses of cattle, were that the cemetery, which, at a cost of Rs. 5,146, was provided for the purpose on the Flats (being situated in the lowest part of the Flats), would be under water after the first fall of rain, and remain a swamp till November ; that the locality was difficult to find ; and that the road to the cemetery was very bad.

2. For the improvement of the cemetery, so as to obviate such of these objections as were capable of removal, a further expenditure of Rs. 3,863-4-4 was sanctioned on the 20th December last, and Government trust that all that is requisite to be done will now be effected (as promised by the Board) as quickly as possible.

3. The Governor in Council is not satisfied, however, that the state of the cemetery on the Flats is such as to afford a reasonable excuse for its disuse even at present. On this point the Acting Superintendent of Police at Bombay should immediately, after a personal examination of the locality, make a report to Government, through the Senior Magistrate, who should thereupon state his opinion as to the earliest date from which the burial in the Back Bay sands, of the corpses of human beings and the carcasses of animals, may be wholly and finally prohibited, in consideration of other places being accessible to the people of Bombay for such purposes. Government trust that it is not intended by the Board of Conservancy that the remains of human beings and the carcasses of animals shall be buried in the same enclosure, whether on the Flats or elsewhere. If some arrangement is made for conveying the filth now deposited on the beach at the Love Grove Sluices either out to sea, or to some place to which it can be carried by water, and turned to account as manure, the carcasses of animals may be at the same time removed altogether from this densely peopled island.

4. In the meanwhile, the opinion of the Government Law Officers should be taken as to the best means for notifying and enforcing the contemplated prohibition.

(True copy)

(Signed) W. HART,

Secretary to Government.

The foregoing Resolution was communicated on the 6th September 1855 to

The Senior Magistrate of Police.

The Acting Superintendent of Police, and

The Acting Clerk to the Board of Conservancy ;

And on the same date the following letter was issued :—

No. 2715 OF 1855.

GENERAL DEPARTMENT.

To the HONORABLE COMPANY'S ACTING SOLICITOR.

SIR,—I am directed by the Right Honorable the Governor in Council to transmit to you the accompanying copy of a letter from the Acting Clerk to the Board of Conservancy, No. 269, dated the 25th August 1855, and of the Government Resolution thereon ; and to request that you will have the goodness to obtain and submit the opinion of the Acting Advocate General on the subject of the concluding paragraph of the Resolution.

I have the honour to be, &c.

(Signed) W. HART,

Secretary to Government.

Bombay Castle, 6th September 1855.

No. 382 OF 1853.

GENERAL DEPARTMENT.

To W. HART, Esq.,

Secretary to Government.

SIR,—I have now the honour to acknowledge the receipt of the Government Resolution forwarded to me with your memorandum No. 2714, dated the 6th instant, on the subject of the new burial-place for low caste Hindoos on the Flats, and the discontinuance of burials by that class on the beach at Back Bay.

2. As to the cemetery on the Flats being in such a state as to afford no reasonable excuse for its disuse even at present, I beg, as directed in the 3rd paragraph of the Resolution, to enclose the Report of the Acting Superintendent of Police on this point, made after personal examination. Mr. Forjett, though he does not state that the proposed cemetery is fit for present use, reports that it is not a swamp, or likely to become one, but that there is no road by which it can be approached without considerable difficulty.

3. I have delayed sending up Mr. Forjett's Report for a few days, to enable me, before replying to Government, to make further inquiries on the subject; and after giving the subject the consideration its importance demands, I am of opinion that the new cemetery should not be used till the completion of the improvements which have been sanctioned to make it a suitable place for the burial of the dead.

4. I have communicated with the Acting Superintendent of Repairs, and from what I learn from him, there seems to be no reason to hope that the improvements can be completed much before the 1st of January next.

5. It is probable that there will be a considerable prejudice amongst the Hindoo community against the abandonment of the old and the adoption of the new place of interment. I would therefore submit that they should not be compelled to give up the former till the latter is in such a state, both as to approach and eligibility of ground, as to be perfectly unobjectionable as a burial-place. Due notice should, I conceive, be publicly given as to the intended change, and a day fixed from and after which no more burials will be permitted on the beach. The 1st of January next might be fixed as the day on which the change should commence, and I would suggest that public notice by beat of battakee should be given repeatedly before that period. On this proceeding, however, I observe it is the intention of Government to take the opinion of the Law Officers.

6. On the closing of the burial-ground on the beach, I may observe, there may be some difficulty in compelling the parties to use that prepared in its stead. There is at present no practical law

to prevent any piece of ground, in any part of the town, being converted by its owner or occupant into a cemetery, or to prevent the burial of corpses in places other than in regular burial-grounds. This state of things indicates the urgent necessity of the passing into law of the Draft Act for the regulation of burial-grounds with as little delay as possible.

I have the honour to be, &c.

(Signed) W. CRAWFORD,
Senior Magistrate of Police.

Bombay, Police Office, 22nd September 1855.

No. 193 OF 1855.

TO W. CRAWFORD, Esq.,

Senior Magistrate of Police.

Bombay, 15th September 1855.

SIR,—In handing up the accompanying Government Resolution No. 3714, dated 3rd instant, I have the honour to state that I have visited the spot therein designated as a cemetery. It is an open piece of ground, measuring 450 feet square, and raised two feet above the level of the ground. It is *not* now under water, notwithstanding the recent somewhat heavy falls of rain, and, judging from appearance, is not likely to become a swamp, whatever may be the state of the monsoon.

On the sands in the Back Bay, a depth of two feet cannot be attained without falling in with water; the spot on the Flats I have no doubt will be far less objectionable in that respect.

There is, however, I beg to state, no road by which the proposed burial-ground can, at this time of the year, be approached without considerable difficulty.

I have the honour to be, &c.

(Signed) C. FORJETT,
Acting Superintendent of Police.

No. 2889 OF 1855.

GENERAL DEPARTMENT.

To the SENIOR MAGISTRATE OF POLICE.

SIR,—With reference to your letter No. 382, dated 22nd September 1855, I am directed to request that you will be so good as to ascertain as soon as possible from the Executive Officer of the Board of Conservancy, and report to Government, at what depth from the raised surface of the proposed Hindoo burial-place on the Flats water is at present encountered in digging; whether or not a grave could now be dug in it without difficulty, occasioned by the influx of water, to a depth of six feet from the same surface; and if a grave be dug to that depth or less, to what depth (from the same surface) water will rise in it, and what time it will take to find the level at which it will remain stationary.

2. I am also directed to inquire if you are aware of any probable public inconvenience or individual hardship which ought, in your opinion, to prevent Government from at once issuing an order prohibiting the continuance of the practice of burying the *carcasses of animals* in the Back Bay sands, supposing no interference with the interment of human corpses there be ordered until the new cemetery is ready for use, as suggested in the 3rd paragraph of your letter.

I have the honour to be, &c.

(Signed) W. HART,

Secretary to Government.

Bombay Castle, 23rd September 1855.

No. 302 OF 1855.

To W. HART, Esq.,

Secretary to Government.

SIR,—I have the honour to acknowledge the receipt of your memorandum No. 2714, dated the 6th September 1855, in the 3rd

paragraph of which it is stated that Government trust it is not intended by the Board of Conservancy that the remains of human beings and the carcases of animals shall be buried in the same enclosure, whether on the Flats or elsewhere; and in reply to inform you that the Board always understood that the place on the Flats for burying human bodies should be separated from that for the burial of carcases of cattle; also that the former should be enclosed by a wall with a gate, the ground for the burial of cattle being left unenclosed. The Superintendent of Repairs was reminded of this by the Board, by a Resolution No. 325, of 21st July 1854, and he thereupon submitted a plan and estimate (the latter amounting to Rs. 3,863-4-4,) for enclosing the burial-ground for the low caste Hindoos on the Flats with a masonry wall, and for improving the road to it, which plan and estimate were submitted by the Board to Government, and, as observed in the 20th paragraph of your letter, received the sanction of Government under date the 20th December 1854.

The Acting Superintendent of Repairs has been instructed to execute the work for which the abovementioned sum was sanctioned without delay.

I have the honour to be, &c.

(Signed) LAWFORD ACLAND,

For GEORGE HANCOCK,

Acting Clerk to the Board of Conservancy.

Bombay, Town Hall, 22nd September 1855.

No. 2890 of 1855.

GENERAL DEPARTMENT.

To the ACTING CLERK TO THE BOARD OF CONSERVANCY.

SIR,—With reference to your letter No. 302, dated 22nd September 1855, I am directed by the Right Honorable the Governor in Council to inquire if the Board of Conservancy are aware of any objection to an order being at once issued by Government prohibit-

ing the further burial of *carcasses of animals* in the Back Bay sands, the order which will be requisite to put a stop to the burial of human corpses in the same place being deferred until the new cemetery is ready for use.

I have the honour to be, &c.

(Signed) W. HART,

Bombay Castle, 25th Sept. 1855.

Secy. to Government.

No. 555 OF 1855.

GENERAL DEPARTMENT.

To the SECRETARY TO GOVERNMENT.

SIR,—With reference to your letters Nos. 2715* and 2876 of 1855, I have the honour to annex copy of the Acting Advocate General's opinion, as requested therein.

I have the honour to be, &c.

(Signed) LAWFORD ACLAND,

Bombay Castle, 25th Sept. 1855. Acting Hon. Co.'s Solicitor.

Opinion.

The best means of notifying and enforcing the contemplated prohibition will be through the Police. They will no doubt, by beat of battakee, by notices posted up, and other customary ways of making public the order of the Magistrate, be able to give thorough publicity to the prohibition when determined upon. They also can enforce the observance of the prohibition.

(Signed) W. HOWARD,

26th September 1855.

Acting Advocate General.

(True copy)

(Signed) LAWFORD ACLAND,

Acting Honorable Company's Solicitor.

* Vide page 20.

No. 310 OF 1855.

To W. HART, Esq.,
Secretary to Government.

SIR,—With reference to your letter No. 2890,* dated the 25th instant, I am directed by the Board of Conservancy to inform you, for the information of the Right Honorable the Governor in Council, that the Board is not aware of any objections to an order being issued, as proposed by Government, prohibiting the further burial of carcases of animals in the Back Bay sands.

I have the honour to be, &c.

(Signed) C. F. COLLIER,
Clerk to the Board of Conservancy.

Bombay, Town Hall, 29th September 1855.

No. 397 OF 1855.

GENERAL DEPARTMENT.

To W. HART, Esq.,
Secretary to Government.

SIR,—I have the honour to acknowledge the receipt of your letter No. 2889,† dated the 25th of last month, and to enclose, for the information of the Right Honorable the Governor in Council, a Report from the Executive Officer of the Board of Conservancy, on the proposed Hindoo burial-place on the Flats.

2. Though Mr. Brock does not clearly answer the questions as contained in your letter, it appears that at present a grave may be dug to the depth of six feet before coming to water ; so that it may be assumed that the place is perfectly eligible for burial purposes during the dry season, but that in the wet season there are but three feet on the raised portion clear of water, while the unraised portion is flooded to the extent of one foot deep. I am not prepared

* Vide page 24.

† Vide page 23.

to say, as suggested by Mr. Brock, whether the parties using the burial-ground would dig their graves two feet below the surface of the water.

3. In regard to the second paragraph of your letter under reply, I may state that I am not aware of any probable public inconvenience or individual hardship which ought, in my opinion, to prevent Government from at once issuing an order prohibiting the continuance of the practice of burying the carcasses of animals in the Back Bay sands.

I have the honour to be, &c.

(Signed) W. CRAWFORD,
Senior Magistrate of Police.

Bombay, Police Office, 4th October 1855.

No. 395 OF 1855.

To W. CRAWFORD, Esq.,

Senior Magistrate of Police.

SIR—The accompanying letter, in reply to yours of the 26th ultimo, No. 386 of 1855, was prepared by my predecessor, Mr. Brock, for the purpose of forwarding the same to you, which I do myself the honour to submit to you.

I have, &c.

(Signed) H. AHER,
Superintendent of Repairs.

Bombay, Supt. of Repairs' Office, 4th October 1855.

No. — OF 1855.

To W. CRAWFORD, Esq.,

Senior Magistrate of Police.

SIR,—In reply to your letter No. 386 of 1855, requesting me to supply certain information respecting the burial-place on the Flats,

as called for in Government letter No. 2889 of 1855, I have the honour to state that water was met with this morning at a depth of six feet from the surface of the raised portion, thereby admitting of a grave being dug to a depth of two feet below that mentioned in the above quoted Government letter, as no difficulty would be experienced in sinking two feet in water; and as the dry season advances, the unraised portion can be put into use, as it was found during the experiments of depositing the night soil in pits on the Flats in the month of April 1848, a depth of seven feet was dug before water was met with.

During the monsoons, also, I apprehend no difficulty. The Flats are flooded say one foot; this leaves three feet clear. In the raised portion a hole, as above mentioned, can be sunk two feet below this, so that during the most unfavourable season of the year a grave at least five feet could be opened.

As regards the 2nd paragraph of the Government letter, I beg to state that I do not anticipate the least reason for complaint, either as an individual or public matter.

I have, &c.

(Signed) B. BROCK,

Acting Superintendent of Repairs.

Bombay, Supt. of Repairs' Office, 1st October 1855.

Resolution of Government, under date the 5th October 1855, on Letters from the Acting Honorable Company's Solicitor, No. 555, dated 25th September 1855; from the Acting Clerk of the Board of Conservancy, No. 310, dated 29th September 1855; from the Senior Magistrate of Police, No. 397, dated 4th October 1855.

The Senior Magistrate's report, with its accompaniments, showing that, so soon after the monsoon as the 1st October, a grave may be dug to a depth of six feet, without being flooded, in the burial-ground now being prepared on the Flats, and that no difficulty is apprehended as regards depositing corpses there at a depth of

five feet, even during the monsoon, affords sufficient evidence that the cemetery which the Board of Conservancy have directed shall be completed without delay will be suited for its purpose throughout the year.

2. It would seem, from the 4th paragraph of the Senior Magistrate's letter No. 382, dated 22nd September 1855, that there is a probability of the cemetery not being entirely completed before the 1st of next January ; but as soon as it is reported to be ready, the further burial of human bodies in the Back Bay sands should be strictly prohibited. Orders for the enforcement of such prohibition will be issued on Government being informed of the completion of the new cemetery, regarding which the anxiety of Government is already known to the Board of Conservancy.

3. In the mean while, as there is an enclosed place appropriated to the cremation of those corpses which it is usual to dispose of by burning, the Senior Magistrate of Police should be requested to issue such orders as will hereafter prevent the cremation of any such on the open sands.

4. It has been reported, both by the Senior Magistrate of Police and the Board of Conservancy, that neither public inconvenience nor private hardship will be occasioned by the immediate disuse of the Back Bay sands for the burial of the carcasses of animals. The Senior Magistrate should therefore issue orders for the total and immediate discontinuance of the practice of burying such carcasses in that locality ; and the Superintendent of Police should take care that a sufficient watch is kept, to ensure that these orders are not evaded.

5. A copy of the Acting Advocate General's opinion, dated 26th September 1855, should be furnished to the Senior Magistrate of Police.

The above Resolution was communicated on the same date to
The Senior Magistrate of Police, and
The Clerk to the Board of Conservancy.



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